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2 **UNITED STATES DISTRICT COURT**  
3 **DISTRICT OF NEVADA**

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5 UNITED STATES OF AMERICA,  
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7 Plaintiff,

8 vs.

9 HERBERT JOHNSON,

10 Defendant.

2:14-cr-00304-JCM-VCF

**ORDER**

11 Before the court is Defendant Johnson's Motion for a Competency Evaluation (#17). On  
12 October 31, 2014, the court held a hearing on the motion and heard representations from the parties.

13 Accordingly,

14 IT IS HEREBY ORDERED that Defendant Johnson's Motion for a Competency Evaluation  
15 (#17) is GRANTED.

16 IT IS FURTHER ORDERED that the defendant submit to a psychiatric examination to  
17 determine whether the defendant may presently be suffering from a mental disease or defect rendering  
18 him mentally incompetent to the extent that he is unable to understand the nature of consequences of the  
19 proceedings against him or to assist properly in his defense.

20 IT IS FURTHER ORDERED that defendant shall be forthwith transported to the closest Federal  
21 Bureau of Prisons (BOP) facility that conducts psychological evaluations for this dual purpose  
22 examination.

23 IT IS FURTHER ORDERED that examination shall be in accordance with Title 18, United  
24 States Code, Sections 4241 and 4247.  
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1 IT IS FURTHER ORDERED that defendant shall be held in said facility for a reasonable period  
2 of time, not to exceed 45 days, unless extended by further order of the Court up on showing of good  
3 cause by the Director of said facility or pursuant to other appropriate motion for a period of time up to  
4 30 days.

5 IT IS FURTHER ORDERED that within 45 days from the date of entry of the Order, the  
6 Director of said facility at which the examination has been conducted, shall prepare, or cause to be  
7 prepared, a psychiatric or psychological report of the defendant, and that the Director must send copies  
8 of such psychiatric or psychological report to the Clerk of the United States Court for the District of  
9 Nevada, to Sarah E. Griswold, Esq., Assistant United States Attorney, and Chris T. Rasmussen, Esq.,  
10 counsel for defendant Herbert Johnson.

11 IT IS FURTHER ORDERED that following the defendant's examination, he shall be forthwith  
12 transported back to the District of Nevada.

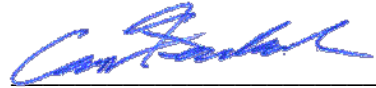
13 IT IS FURTHER ORDERED that said examination shall be in accordance with 18 U.S.C. §§  
14 4241 and 4247.

15 IT IS FURTHER ORDERED that the said report prepared pursuant to this Order  
16 shall include:

- 17 (1) Defendant's history and present symptoms;
- 18 (2) A description of the psychiatric, psychological or medical tests that were employed and their  
19 findings;
- 20 (3) The examiner's findings;
- 21 (4) The examiner's opinions as to diagnosis, prognosis, and whether the defendant is competent  
22 to stand trial, the test of which is whether he may presently be suffering from a mental disease or defect  
23 rendering him mentally incompetent to the extent that he is unable to understand the nature and  
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1 consequences of the proceedings against him or to assist properly in his defense.

2 Dated this 4th day of November, 2014.

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4 CAM FERENBACH  
5 UNITED STATES MAGISTRATE JUDGE  
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